

decision will be regulated more by the comparative strength of the parties than by a real demonstration of innocence or guilt."

I think this probably sums it up better than I could. A trial by the judges might remove it from the political arena more than if we had a trial by the Senate which may be more heavily weighted one way than the other and I know not and care not but the principal purpose of the trial by judges is to lessen the likelihood of the results being determined by political strength. For that reason and by reason of removing it from the political arena, we would seriously urge you to vote for the General Provision Recommendation and reject this amendment.

THE CHAIRMAN: Is there any further discussion?

Delegate Hanson.

DELEGATE HANSON: Mr. Chairman, I think to place a trial for impeachment in the hands of the judiciary, although the judiciary is normally conceded to be the place to try cases, is the most unwise decision. An impeachment trial, if you look at the history of impeachment in the various states or the federal impeachment trials, is uniquely a political proceeding. The charges or conditions which may cause an impeachment to be brought are normally political. They are beyond the normal reach of the law. A man cannot be touched in some instances by the normal reach of the law and consequently the lower house must feel that his conduct is so grievous against the public interest that he should be tried on charges of impeachment.

If this goes before the court, it will still be a political trial. There will be tremendous pressure brought on the Court of Appeals by the partisans of the governor, for example, to make sure that a tribunal is selected that will be favorable to his cause and the House will certainly want to see that a tribunal is selected that will be favorable to its cause, and it might put the Court of Appeals, it seems to me, under the most unfortunate kind of political pressure from the two contending sides.

The trial will not be less political in the true sense of that term solely because it is held before ten judges than it would be if it were held before the Senate of the State and finally be a political trial. This is a case in which the judgment must be, by the nature of the case, a political judgment,

that is, to remove a high elected official from office. It seems to me, then, that the people of the State should be the place where the buck stops and if they feel that this was a good decision by the body, they have a way to demonstrate that they believe it to be; if they believe it to be an unwise decision, they have through the election process a means for demonstrating that they believe it was an unwise decision. If a governor or a lieutenant governor or comptroller or attorney general or another impeachable officer has committed a serious offense or is alleged to have committed a serious offense, then he should be tried in a court of law as any other citizen would be tried for committing a crime. If he has only done something for which he can be impeached then he should be tried politically.

THE CHAIRMAN: Does any other delegate desire to speak in opposition to the amendment?

Delegate Winslow.

DELEGATE WINSLOW: Mr. Chairman, it seems to me that my brother Delegate Hanson has forgotten some of his history.

One of the ills of impeachment as it has been known in this country in one case, in Oklahoma, has indicated that legislatures, both lower house and senate, have been controlled not by the mere politics but by the most terrible partisan politics. This was what was true in the most famous impeachment trial in America, that of President Johnson, where he was not convicted only because a lawyer appeared before the United States Senate and insisted that they could not convict President Johnson save in a judicial sense, that the case must be decided as if the Senate were a court. There is a confusion here, it seems to me, in this debate as to what the purpose of this trial is. This is not a trial, as Delegate Hanson suggested, which is to replace an action by the court. This is a trial to determine whether an individual can be removed from office. He is still subject to action by a court if accusation be made against him according to law.

By all means, it seems to me we should remove the trial of impeachment cases from the political atmosphere of the Senate and put it where it belongs in a commission of judges.

THE CHAIRMAN: Is there any further discussion?